

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1661.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	December 5, 2000
DATE OF REPORT:	January 4, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 7, 2001

COMPLAINT ISSUES:

Whether the Delphi Community School Corporation and the Logansport Area Joint Special Services violated:

511 IAC 7-27-4(c) with regard to the school's alleged failure to utilize the case conference committee (CCC) in changing a related service, specifically, the student's transportation to and from school.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP), specifically, failing to provide transportation as indicated on the IEP.

FINDINGS OF FACT:

1. The student is eight years old, attends the second grade, and has been determined eligible for special education due to a moderate mental handicap and a communication disorder.
2. The parent alleges the school is not complying with the May 17, 2000, IEP due to the fact that the student has been transported to and from school on a van since November 13, 2000. The IEP and CCC Summary Report dated May 17, 2000, indicate the student shall receive transportation as a related service. The Special Transportation form reflects the student needs a harness for safety and transportation to the Jump Start Program. Prior to November 13, 2000, the school superintendent reports in his written response that the student was transported to and from school on a regular school bus in accordance with the requirements specified in the student's IEP dated May 17, 2000. Correspondence between the parent and the school and Bus Conduct Reports reflect the student exhibited disruptive and aggressive behavior while riding the bus between May, 2000, to November, 2000. In addition to the harness, an aide was hired to assist with transporting the student. Despite these efforts, the student still exhibited inappropriate behaviors on the bus. On November 8, 2000, a CCC meeting was convened to discuss a safe means of transporting the student to and from school. Although the parent chose to leave the meeting before a decision regarding transportation was made, the CCC determined the student should be transported to and from school in a van with an assistant. The student's IEP and CCC Summary Report dated November 8, 2000, reflect this information. The parent was informed of this decision in a letter dated November 9, 2000, from the school principal. Although the parent did not provide written consent for the change in transportation services, the student has ridden the van to and from school since November 13, 2000.

CONCLUSIONS:

1. Finding of Fact #2 indicates the school implemented the student's IEP dated May 17th as written, and utilized the CCC meeting process on November 8th to determine the student's need for transportation as a related service. Therefore, no violations of 511 IAC 7-27-7(a) and 511 IAC 7-27-4(c) are found.

The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.